



# INDUSTRY CIRCULAR

DEPARTMENT OF  
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20224

Number: 88-2

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## CERTIFICATION OF AUTHENTICITY FOR EXPORTED STRAIGHT BOURBON WHISKEY

Proprietors of Distilled Spirits Plants and Others Concerned:

Purpose: The European Economic Community (EEC) requires a new Certificate of Authenticity - Bourbon Whiskey, ATF F 5110.42 (4-88) for shipments of straight bourbon whiskey shipped to its Member States. Proprietors of distilled spirits plants should be aware that this new form replaces ATF F 4547 (5110.42) (6-86), and is mandatory beginning January 1, 1989. Until that time, the present certificate may be used.

Instructions for the preparation of the new form will appear as ATF Procedure 88-1 in the next issue of Alcohol, Tobacco and Firearms Quarterly Bulletin and will read as follows:

### SECTION 1. PURPOSE.

1.01 The purpose of this ATF Procedure is to provide instructions for certification of bottled and/or packaged straight bourbon whiskey shipped to the European Economic Community (EEC) and other countries, using ATF Form 5110.42 (4-88), Certificate of Authenticity - Bourbon Whiskey.

### SECTION 2. BACKGROUND.

2.01 The European Economic Community (EEC) permits importations of straight bourbon whiskey from the United States into its Member States, subject to the presentation of a properly endorsed Form 5110.42 (4-88). The responsible authority, in this case, is the Bureau of Alcohol, Tobacco and Firearms (ATF).

### SECTION 3. OBTAINING FORMS 5110.42 (4-88).

3.01 An exporter may request blank Forms 5110.42 (4-88) by contacting the ATF Distribution Center, 7943 Angus Court, Springfield, VA 22153.

### SECTION 4. INSTRUCTIONS FOR COMPLETING ATF FORM 5110.42 (4-88).

4.01 For each transaction, an exporter will complete a set of forms consisting of two original Forms 5110.42 (4-88). All items on the forms should be completed, except items numbered 12 and 13. Where the entries to be listed in item 5 are too numerous to fit on this set of forms, one or more additional sets of forms should be prepared. All entries will be made in English.

4.02 All items are self explanatory, but the following should be noted:

(a) "Certificate of Authenticity Bourbon Whiskey No. Original," will be a number assigned by the proprietor. The number will consist of two digits representing the year, followed by a dash and a sequenced numbering system beginning with the number 1. Examples are 88-1, 88-2, and 88-3. Where it has been necessary to use more than one set of Forms 5110.42 (4-88) to describe a particular shipment, a different serial number will be assigned to each set.

(b) Serial numbers and marks. In item 5, the serial numbers of the first and last cases in a series should be shown (for example, A21730-A21986). The serial numbers of packages (casks, barrels, etc.) should be listed in numerical order. The entry for "marks" should consist of the plant registry number (e.g., DSP-KY-0000).

(c) Observations: In item 11, appropriate entries may be made to indicate any unusual conditions or circumstances in connection with the shipment described on Form 5110.42 (4-88).

#### SECTION 5. INSTRUCTIONS FOR FILING FORMS 5110.42 (4-88) WITH ATF OFFICIAL.

5.01 Both copies of the completed Form 5110.42 (4-88), shall be forwarded to the local ATF Compliance Office along with appropriate documentation to substantiate the accuracy of the certificate. After verifying the accuracy of the certificate, the ATF officer will complete item 12, placing a stamp showing the seal of the Department of the Treasury, in the space allocated. The area office will retain the one copy for its files, and return the other to the proprietor. The proprietor's copy will accompany the shipment to be exported.

#### SECTION 6. FORMS 5110.42 (4-88) PREPARED BY PROPRIETORS OF CUSTOMS MANUFACTURING BONDED WAREHOUSES.

6.01 A proprietor of a class six Customs Manufacturing Bonded Warehouse (CMBW) preparing Form 5110.42 (4-88) should do so in accordance with Section 4 above, with the following modifications:

6.02 In item 5, the proprietor should report the registry number of the distilled spirits plant from which the spirits were received, preceded by "CMBW".

6.03 The proprietor should then attach to the Form 5110.42 (4-88) a statement which contains the identification of the Form 5100.11, Withdrawal of Spirits, Specially Denatured Spirits, or Wine for Exportation, covering the transfer of spirits into the warehouse and a description of the manipulation of the spirits while in the warehouse. If there was no manipulation of the spirits, the proprietor should so certify on the statement. The customs officer

should examine Form 5110.42 (4-88) and the proprietor's statement, and if the information is found to be correct, should certify on the statement and return the documents to the proprietor for filing with ATF in accordance with Section 5 above.

#### SECTION 7. EEC REGULATIONS.

7.01 The EEC regulations provide that the completed certificate, Form 5110.42 (4-88), shall be submitted to the customs authorities of the importing Member State within three months of its date of issue, together with the goods to which it refers. Invoices produced in support of import declarations shall bear the serial number of the corresponding certificate.

7.02 The customs authority of the Member State in which the products are presented may request a translation of the certificate.

#### SECTION 8. USE OF FORM 5110.42 (4-88) FOR EXPORTS TO OTHER COUNTRIES.

8.01 Other countries requiring certification for straight bourbon whiskey may use Form 5110.42 (4-88), if acceptable to the foreign countries involved. Procedures indicated above must be followed, except that Section 7 may not be applicable.

8.02 With respect to Japan and other countries which require that Form 5110.42 (4-88) be accompanied by a certified true copy of an approved Form 5100.31 (10-85), Application for and Certification/Exemption of Label/Bottle Approval, the proprietor files an ATF Form 5100.31 (10-85) in the usual manner, with the exceptions that (1) in the section marked "Qualifications," the exporter shall write "For Export to \_\_\_\_\_ Only," with the appropriate name of the country put in the blank, and (2) the exporter shall file his Form 5100.31 (10-85) in triplicate.

8.03 When the approval for Forms 5100.31 (For Export Only) has been received, and the exporter still needs additional copies, an original and a photocopy should be submitted to a regional ATF area office where an ATF officer will certify that the photocopy is a true copy of the original. This certified photocopy shall then be included along with the approved original Form 5110.42 (4-88) and all other papers required for the shipment.

#### SECTION 9. EFFECT ON OTHER DOCUMENTS.

9.01 Revenue Procedures 70-14 and 71-13 are hereby superseded.

#### SECTION 10. INQUIRIES.

10.01 Inquiries regarding this procedure should refer to its number and be addressed to the office of the appropriate Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms.

  
Director